

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
MARCH 27, 2009
Hamilton County Highway Department
1700 S. 10th Street
Noblesville, Indiana

President Holt called the meeting to order at 7:34 a.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt.

2009 Bridge Consultant Selections

Dillinger moved to select the following consultants for the 2009 Bridge and Small Structure Projects. Altman seconded. Motion carried unanimously.

- Cumberland Road over White River – Stephen J. Christian & Associates
- 236th Street over Jay Ditch – Floyd Burroughs & Associates
- Allisonville Road over Shoemaker Ditch – Beam, Longest, and Neff L.L.C.
- Scherer Avenue over Scherer Ditch – Bernardin Lochmuller

Holt asked that for the next consultant selection the highway staff bring the list of the engineering firms and their awarded projects.

146th Street/Lowes Way Development

Mr. Dave Lucas has been working with Kite Development regarding 146th Street and Lowes Way. Their last traffic analysis did not meet the Commissioner's criteria for a hearing regarding access onto 146th Street. IDEM (Indiana Department of Environmental Development) has conditions on the wetlands mitigation along Lowes Way that would restrict access for 50 years. Lucas stated Kite may not be able to have access on Lowes Way. Altman asked if they use the property as it is currently zoned would they need that access? Lucas stated no, they would not. Lucas stated it is currently zoned residential and they do have access through Danbury on Dublin. Howard asked if it is feasible for Kite to meet the IDEM mitigation requirements? Lucas stated it would be feasible at Kite's cost. Howard stated there was never any use for this land in any plans he has seen. Lucas stated Kite still does not meet the criteria of the Resolution passed to allow a hearing in front of the Board. Kite is requesting a right in-right out between Dublin Drive and Lowes Way and Greyhound Pass. Altman stated Kite has the option of requesting a variance from Carmel to use the residential access. The Commissioner's consensus was that Lowe's Way would not be a problem and no new road cut will be allowed onto 146th Street.

New Bridge Inventory

Mr. Matt Knight presented a draft Engineering Agreement from United Consulting for the countywide bridge inventory and inspection program. Due to substantial changes being implemented by INDOT (Indiana Department of Transportation) the proposed fee is higher than in the past. Altman asked what requirements are we lacking in our current bridge inventory that justifies an increase in rates? INDOT is instituting a new database that will be very comprehensive. Most of the data is being collected now. Altman stated if they are already collecting the data it is just giving it to INDOT, this letter does not justify a fee increase. Knight stated the new load ratings are being added, structure sketches are now required to be done by Auto CAD (previously they were hand sketches). Altman stated that is a one time fee, once it is an Auto CAD the bridges will not change. The scour plan of action is just for bridges that are scour critical. Hamilton County only has about six of those. The critical feature reports are much more detailed but the County only has a few of those bridges. Altman asked if Knight has gone through what United has to do that is over and above that you are comfortable saying their fee is justified? Knight stated they have, a lot of it is a moving target because INDOT has not put out any firm directives in writing; they are working on a new manual which is expected out later this year. They have met with INDOT's Director of the bridge inspection unit and he is confident that all of these directives will be approved; given that information the highway staff is comfortable with the fee United is asking for. Howard asked Knight to look at how much of the fee doubling is the Auto CAD reproduction which is a one time fee. Altman would like to see justification, per tab, of what has increased. Holt asked if we could pass on the inspection this year? Knight stated inspections are due every two years and if we don't do the inspections we are jeopardizing our federal funding. Davis stated we have an option to continue with our current rate and once this is established and do a supplemental for additional required work, once the manual comes out. Knight stated every county in Indiana will be in the same situation, Hamilton County is the first county with an agreement with the new manual. Neal stated this is still 80/20, paid up front. It reduces the pot of federal money for bridge work. Knight will discuss with United how much is a one time fee and what future agreements might be. Holt asked if the majority of the bridges are on Auto CAD? Knight stated they have electronic files on a lot of the bridges. Holt suggested using a summer intern for the scanning project. Knight stated United knew we would be scanning our documents when they wrote the agreement. Neal stated before they were hand drawn sketches, with Auto CAD the drawing has to look like the bridge. Altman asked if it has to be to scale or representative? Knight stated representative.

Bridge Insurance

Holt asked Howard if the Bond for the 146th Street Bridge requires the bridge be insured? Howard stated no because it is not a lease, it is funded by COIT (County Option Income Tax).

Rent-A-Cops for Traffic Control

Howard has investigated the statute on the rent-a-cops stopping traffic on 146th Street; IC 8-1-23-2 provides that if any person wants to temporarily obstruct traffic they have to get a permit. The language covers private people stopping traffic on roads. Under 35-42-2-4 obstruction of traffic is a Class B Misdemeanor. The Commissioners do have the authority to regulate or prohibit it. The nexus is traffic; the biggest issue is Grace Christian Church which stops traffic for services held on Saturday afternoon and evening, Sunday's and weekday day care. There is also a Rent-A-Cop stopping traffic at Jason Drive for the Lifetime Fitness Center. Howard has asked Sheriff Carter if it is a bigger public safety issue stopping traffic or having the businesses dashing to get out. Sheriff Carter has found no accidents on 146th Street arising out of stopping traffic. Howard asked if the Commissioners want to prohibit using Rent-a-cops, do you want them to come in and show a need or do you want bigger flashers? Howard suggested as a minimum if it is going

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to be prohibited a policy will be needed. We can not differentiate between who is the user. We block off streets after homecoming parades, football games, etc. Altman stated we can distinguish one time festivals; this is on a routine basis.

Neal stated at the Grace Church he has noticed they are there but does not know if they need to be out there. It was started to make sure it was easier to get in and out of the church. Neal has not personally seen them at Lifetime Fitness, which is a new addition within the past two weeks. This location concerns Neal because traffic already crawls in that area; it is the most congested area on 146th Street. Dillinger asked what his alternative would be? Neal stated he does not know that there are alternatives; there is a lot of development in that area, right-in, right-out would only be moving the accident. Altman stated if we close a blind eye to it everybody will be using rent-a-cops. Dillinger stated minimally we should have some kind of regulations. Altman stated we have stated this is a thoroughfare and the developers need to figure out land use that is consistent with the thoroughfare. If we do the same thing with the rent-a-cops in the long term this county will be better off that we said no. Dillinger stated these uses are already in existence. If we tell them they can't have the rent-a-cops people will be darting across 146th Street and then we will start having accidents. Dillinger stated what is the alternative? Altman suggested changing the use of the real estate. Dillinger stated how do we change existing real estate? Howard stated if we take the existing parcel owned by a developer and we stop the access, that is a taking. Holt stated we created the problem; Kite came to us for the second entrance, which we gave to them. Holt stated both Altman and Dillinger are both right on this. We could take the course on seeing what the Supreme Court does and then look at it. Holt would rather pay for a rent-a-cop than install a stop light. Altman stated this is inconsistent for people who travel this thoroughfare. Howard stated with the power to prohibit is the power to regulate. It would seem we are not reinventing the wheel, we know what the traffic counts are and there has to be data somewhere showing the accident correlation when you bring "x" amount of people trying to get onto a road. We could strictly limit the hours. Altman asked whose liability is it when the rent-a-cop stops traffic, the county has a policy and someone gets killed? Howard stated we can make them post liability insurance, they can name the county as an additional insured and they can renew the permit annually. Howard stated we will want insurance to indemnify ourselves up to the Tort Claim. Altman asked if we go along that policy of existing land use do we have the guts to say no more, ever again on rent-a-cops without even higher criteria. Neal stated his concern with the rent-a-cop at the fitness center is that it is right at the end of a where we have a coordinated signal system. That system is set up to try to get progression through that intersection as best as we can. When we throw in the human element it impedes the traffic flow. Altman suggested a requirement of a stack is needed. Holt stated this is probably a reasonable place for a rent-a-cop, you can argue that at Grace Church it is worse because people are traveling 50 mph when the cop steps out into traffic. Altman asked why should we let private entities mess up a road system to get their customers in and out? If it is not a safety issue it is purely economics. Dillinger stated minimally we should regulate it.

Dillinger stated he thinks we need to address this issue by either bringing the church and fitness people in to talk with them. Howard suggested looking at the county engineering department to look at guidance in regards to what level of conflict this is doing. Dillinger asked if we could send a Notice to Cease and Desist to the Fitness Center until we have a chance to address it? Howard stated you could pass an ordinance prohibiting it. Traffic is traffic whether they are coming from church or working out. If you are going to draw a line there needs to be a rational basis for it. Dillinger stated he is not talking about long term, Neal just said that cop was impeding the interconnectivity a lot more than the church. Howard asked if the Fitness Center has an alternate exit point? Neal stated there are two entrances onto 146th Street but there is no bridge over Cool Creek to get to the signal to the west. There is no way to get back to it through the neighborhood. Howard stated he understands but there needs to be criteria. Davis stated nobody should be allowed to do it without a permit. Howard stated we either prohibit everybody or have object criteria that are traffic based, not church based or commercial based. Dillinger stated the longer this goes the harder it is going to be to do anything with it whereas if force the issue by putting a Cease and Desist on it and bring them in it would force creating a resolution to it. Altman stated it might create a knee jerk resolution instead of a studied one and that is what she is more concerned about. She would rather have a plan in place. Altman asked when was the last traffic count? Neal stated this past summer. Altman asked if there is any mechanical counting system that you can track flow and impediment of flow? Neal stated not that we have installed. Dillinger told Neal to let the Commissioners know how they need to fix it. Altman stated the main thing is to send a signal; we need to give people negative expectations on access and traffic control after construction.

Stimulus Update

Davis updated the Commissioners on the stimulus projects. There are two different entities with different sets of rules. Urbanized Area is distributed by the MPO (Metropolitan Planning Organization) and Rural Area is distributed by INDOT (Indiana Department of Transportation). INDOT has stated it will be first come first serve, but they are still changing the criteria of what is eligible. There is not a lot of money available for rural projects and we are limited to a \$3 million cap.

Rural projects submitted to INDOT:

- Resurfacing (Various Locations) with Mule Barn Road being first on the list
- Comprehensive Sign Upgrade
- Guardrail Installation/Upgrade
- Parks Department Projects – White River Campground and Koteewi Park

INDOT is supposed to send the money to economically deprived areas of the State so somehow they will weight projects differently for areas of the State that are economically disadvantaged. Altman stated Hamilton County communities north of SR 32 are not the same as the communities south of SR 32 and if we can do anything, if economically deprived, call it to INDOT's attention and not paint Hamilton County with one wide brush.

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Urban Projects submitted to the Indianapolis MPO

- Resurface Program (various locations)
- 106th Street/Ditch Road roundabout
- Rehabilitation Bridge 611 (Cumberland Road over White River)
- New Construction Trail – (Homeplace (106th Street & College Avenue))
- New Construction Trail – (146th Street (Cherry Tree Road to River Road))
- New Construction Trail – (Riverwalk Phase II)
- New Construction Trail – (Riverwalk Phase III)
- Reconstruction of 96th Street and Mollenkopf to Fall Creek
- 146th Street Monon Pedestrian Bridge
- Olio Road Reconstruction 96th Street to Geist

Web Site Postings

Davis reported that they are planning on posting highway construction and design plans on the county website. This will allow contractors the ability to view the plans to see if they are interested in bidding our projects. They will have to purchase a set of official documents if they want to bid the project. This will give sub-contractors the ability to view the projects to determine if they want to contact the lead contractor. Altman asked if the money is refunded if the plans are returned after the bidding? Davis stated no, the deposits are non-refundable. Altman would like to do the same thing for county buildings, we should not be refunding the money if the plans are returned and not marked up. Howard stated in building projects the plans are returned if they are not marked up and the deposit is refunded. The theory is the winning contractor can use the extra plans during construction.

Runway Reconstruction Project

Howard informed the Commissioners that the FAA (Federal Aviation Administration) has awarded Indianapolis Executive Airport (IEA) \$4.3 million for reconstruction of the runway. The project is funded 100 percent from the American Recovery and Reinvestment Act (ARRA) of 2009. The airport will be closed 45 calendar days plus weather delays. There is a request before the County Council to fund the entire project up front with the FAA reimbursements refunding the county as the money comes in. This will allow the contractors to receive payment immediately rather than waiting for the FAA to send the money to the county.

Dillinger stated the Indianapolis Airport Authority is extremely complimentary of the Montgomery's and IEA and how they are coming along and eating into the marketplace.

Altman asked how much support is the airport receiving from the Hamilton County Alliance? Howard stated the airport receives some support from the Chambers of Commerce and the Alliance. Altman asked Howard to monitor that situation.

Altman moved to adjourn. Dillinger seconded. Motion carried unanimously.

Others Present

Dawn Coverdale, Auditor
Michael Howard, Attorney
Fred Swift, Administrative Assistant to Commissioners
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Tim Knapp, Right of Way Specialist
Dave Lucas, Highway Staff Engineer
Matt Knight, Highway Bridge Program Engineer

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Dawn Coverdale, Auditor